



Appl. No. : 10/539,082
Applicant : James M. Swanson, et al.
Filed : December 16, 2005
TC/A.U. : 1634
Examiner : Jeanine A. Goldberg

Confirmation No. 9216

Docket No. : 121-000910US
Customer No. : 22798
Client Ref No.: 2003-282-2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF DR. JAMES SWANSON PURSUANT TO 37 C.F.R. § 1.132
AND MPEP 715.01**

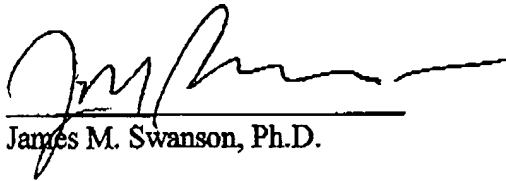
Sir:

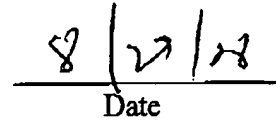
I understand that the following reference: Ding et al. (PNAS, Vol. 99, No. 1, pages 309-314, published online December 26, 2001) "Evidence of Positive Selection Acting at the Human Dopamine Receptor D4 Gene Locus" has been cited as anticipating claims 1-10 of the subject application (10/539,082), pursuant to 35 USC § 102(a). Without acquiescing to the Office's position that the Ding et al. reference anticipates claims of the subject application, I note that the Ding et al. reference, to the extent that it discloses the claimed invention, is a disclosure *on behalf* of the inventors of the subject application.

That is, Ding et al. includes in its listing of authors all of the inventors of the instant application (i.e., Dr. Swanson and Dr. Moyzis). Ding et al. also includes ten additional authors who are *not* inventors on the instant application. These authors are properly listed as authors on the relevant article, based upon normal standards of authorship for a scientific journal publication, but they did not participate in the conception of the claimed invention, and are, therefore, not listed as inventors on the subject application. Thus, to the extent that the Ding et al. article discloses the subject invention, the article is a disclosure on behalf of the inventors.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Declarant's signature:


James M. Swanson, Ph.D.


Date



Appl. No. : 10/539,082 Confirmation No. 9216
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**DECLARATION OF DR. ROBERT MOYZIS PURSUANT TO 37 C.F.R. § 1.132
AND MPEP 715.01**

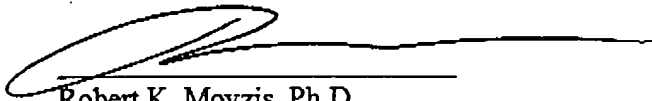
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Declarant's signature:


Robert K. Moyzis, Ph.D.

8/27/08
Date